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R E M A R K S / A R G U M E N T S

Reconsideration of this application is respectfully requested.

Election Restrictions

The Office Action alleges that newly submitted claims 66-79 are directed to inventions that are independent or distinct from claims 1-15, 52-54 and 56-62 on the grounds that they are drawn to a method of providing a direct call connection to a service subscriber voice mail box via a data network. It is respectfully pointed out that claim 57 claims formulating a data message sent to the call control application, the data message including calling party number, etc. It is therefore respectfully submitted that new claims 66-79 are not directed to inventions that are independent or distinct from claims 1-15, 52-54 and 56-62. Nonetheless, in order to facilitate allowance of this application, Applicant has cancelled new claims 66-79 and reserves the right to file those new claims in a divisional application.

Claim Rejections - 35 USC § 102

The Office Action once again rejects claims 1, 6, 52, 53 and 56-59 under 35 USC § 102(e) as being anticipated by Petrunka et al. on the grounds that Petrunka et al. indicate that the network is an AIN network, and Petrunka et al. therefore inherently teach the claimed call set-up messages.

With all due respect, the Applicant respectfully disagrees with this assertion and contends this is an incorrect interpretation of the explicit teachings of Petrunka et al., as explained in detail in Applicant's response dated April 29, 2005.

Petrunka et al. teach a complex procedure routing a call to a voice mail box involving human operators, Operator Services Switch 32 and services computer 36. The call is routed from a human operator to the direct voice mail system after it is determined by the human operator whether a connection to the voice mail system is desired.

As would be understood by any person of ordinary skill in the art, a call set-up message for initiating the establishment of a call connection to the voice mail system having a format reserved for a redirected call set-up message issued by a service switching point in response to an uncompleted call to the service subscriber could not be used in the system taught by Petrunka et al. Petrunka et al., as explained in Applicant's last-filed response, teach away from the claimed invention and do not inherently teach or suggest the claimed call set-up messages. Petrunka et al. fail to disclose the limitations presently claimed.

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Furthermore, the Applicant respectfully submits that the Examiner's position that Petrunka et al. teach a method of providing direct access to a voice mail system hosting a voice mail box associated with a service subscriber without first attempting to complete a call to the service subscriber is incorrect. The requesting party is attempting to complete a call to the service subscriber. This is why the requesting party is calling an operator to seek an unlisted number of the service subscriber.

However, in order to ensure that claims 1, 6, 52, 53 and 56-59 explicitly claim subject matter to which Applicant is entitled, claims 1, 6, and 52 are amended to add the further limitations that the call set-up message is formulated in response to a request for direct access to the voice mail box by a requesting party and that the call set-up messages issued to initiate the establishment of the call connection directly between the requesting party and the voice mail box of the service subscriber. Each of these added limitations further and unequivocally distinguish over the teachings of Petrunka et al.

The rejection of claims 1, 6, 52, 53 and 56-59 is thereby traversed.

Claim Rejections - 35 USC § 103

The Office Action rejected claim 54 under 35 USC § 103(a) as being unpatentable over Petrunka et al. in view of Tov et al.

For reasons set forth above with respect to claims 1 and 54, it has been respectfully established that Petrunka et al. teach away from the invention claimed in claim 52 from which claim 54 depends.

In paragraph 41, Tov et al. suggests in passing that a visitor when accessing his personal visitor page may decide to click a button or link "call button" where they will be connected (using a voice or multi-media call) to the subscriber or a subscriber service such as voice mail. However, Tov et al. fails to teach or suggest how such a call is initiated or controlled. Besides, Tov et al. fails to teach or suggest any mechanism that would permit a plug-in, JAVA APPLET, link or button to directly access a subscriber service such as voice mail. Consequently, any person skilled in the art who understands voice over internet protocol technology will realize that the call is directed to the subscriber via a voice over internet protocol connection and that access to any voice mail system can only result from in-place mechanisms activated when the subscriber line is busy or call forwarded.

The rejection of claim 54 is thereby traversed.

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The Office Action rejected claims 2, 3, 7, 8, 11, 14 and 15 under 35 USC § 103(a) as being unpatentable over Petrunka et al. in view of Holt (United States Patent No. 6,711,243).

Holt teaches a system and method for routing a call to a voice mail system intended to obviate the necessity of maintaining subscriber information on a service node because not all service nodes support the storage of subscriber information (col. 1, lines 41-43). However, as is well understood by persons skilled in the art, a service node cannot and will not initiate a call to a voice mail system unless a call termination is first attempted to the subscriber line. As taught in col. 3, lines 25-30, "For example, some call screening plans provide a revert to voice mail feature if the call is not answered by the called party. In addition, some call forwarding services provide a revert to a voice mail feature if the call cannot be completed to the called party". As further explained in col. 3, lines 33-38, "If a call is received by the service node that is associated with a call management service, such as call screening or call forwarding, the service node determines whether a voice mail call should be originated".

With respect, any person skilled in the art of the public switched telephone network understands that calls are only received by a service node after an attempt is made to terminate the call to the called party line and the call completion attempt failed due to a busy or no answer condition. It is therefore respectfully submitted that Holt teaches nothing that remedies the shortcomings of Petrunka et al.

The rejection of claims 2, 3, 7, 8, 11, 14 and 15 is thereby traversed.

The Office Action rejected claims 4 and 9 under 35 USC § 103(a) as being unpatentable over Petrunka et al. combined with Holt in view of Brunson.

For reasons set forth above, the combination of Petrunka et al. and Holt teach away from the invention claimed in claims 4 and 9.

As taught by Brunson, col. 3, lines 15-20 "If the call is not answered within a predetermined number of rings or if the extension is busy, the call processing software within the PBX redirects the call to voice messaging system 201 via an available one of telephone lines 206". As will be understood by any person skilled in the art, first of all Brunson only teaches call processing within a private branch exchange, which uses proprietary signaling unrelated to the common channel signaling claimed in claims 4 and 9. Furthermore, as understood by any person skilled in the art, Brunson teaches that a call attempt to the called party must be effected before the call is redirected to a voice mail box by the private branch

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exchange. This likewise teaches directly away from the claimed invention. The rejection of claims 4 and 9 is thereby traversed.

The Office Action rejected claims 5 and 10 under 35 USC § 103(a) as being unpatentable over Petrunka et al. combined with Holt and further in view of Russell, Travis. Applicant acknowledges that the redirection reason code is a part of the SS7 standard. However, for reasons set forth above in detail, the combination of Petrunka et al. and Holt teach away from the claimed invention and the rejection of claims 5 and 10 is traversed.

The Office Action rejected claims 60-62 under 35 USC § 103(a) as being unpatentable over Petrunka et al. combined with Tov et al. in view of Holt. For reasons set forth above in detail, the teachings of Petrunka et al. and Holt teach away from the claimed invention. Tov et al., as explained above in detail, teach nothing that overcomes the deficiencies of Petrunka et al. and Holt. The rejection of claims 60-62 is thereby traversed.

The Office Action rejected claims 12 and 13 under 35 USC § 103(a) as being unpatentable over Petrunka et al. combined with Holt in view of Tov et al. For reasons set forth above with respect to claim 1, the rejection of claims 12 and 13 is traversed.

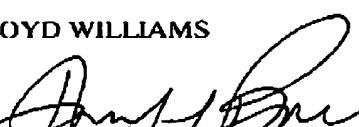
Conclusion

It is respectfully submitted that in view of the clarifying amendments made to claims 1, 6 and 52, all claims that remain pending in this application are in a condition for immediate allowance. If for any reason the Examiner disagrees, Applicant respectfully requests a telephone interview with the Examiner to discuss any outstanding issues.

Respectfully submitted,

L. LLOYD WILLIAMS

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By: 
Frederick S. Burkhardt
Registration No. 29,288
Attorney for Applicant

Address:

VAN DYKE GARDNER LINN & BURKHART, LLP
2851 Charlevoix Drive S.E., Suite 207
P.O. Box 888695
Grand Rapids, Michigan 49588-8695, USA
Tel: 616-988-4104

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